AMENDMENT

This listing of claims will replace all prior versions, and listings, of claims in the application:

Listing of Claims:

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1. (Amended) A method for increasing a data transmission rate at a terminal ~~having a network protocol~~, comprising:

establishing a window size, the window size being an indicator of an amount of data the terminal can receive;

receiving a plurality of data segments in accordance with the window size;

measuring an error condition of the plurality of data segments over a specified time period; and

changing the window size of the terminal based on the error condition to improve the data transmission rate between ~~the~~ a transmitter and the terminal.

2. (Original) The method of claim 1, wherein changing the window size of the terminal is further based on a number of the data segments received.

3. (Original) The method of claim 1, wherein the error condition is a number of errored octets of the plurality of data segments.

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4. (Original) The method of claim 1, wherein the network protocol terminal has a is a which transmission control protocol (TCP).

5. (Original) The method of claim 1, further comprising informing the transmitter of transmitted data segments of a second window size.

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6. (Original) The method of claim 5, further comprising receiving a second plurality of data segments in accordance with the second window size.

7. (Cancelled)

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8. (Amended) A method for increasing a data transmission rate at a ~~terminal~~ receiver, comprising:

establishing a first window size, the first window size being an indicator of an amount of data the receiver can receive;

transmitting first transmitted data to the receiver in accordance with the first window size;

receiving information from the receiver to transmit data in accordance with a second window size of the receiver; and

transmitting second transmitted data to the receiver in accordance with the second window size to improve the data transmission rate between a transmitter and the ~~terminal~~ receiver. ~~The method of claim 7,~~ wherein the second window size is based on an error condition of the first transmitted data received by the receiver.

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~~9.~~ (Amended) The method of claim ~~8~~ 7, wherein the second window size is based on a number of data segments of the first transmitted data received by the receiver.

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~~10.~~ (Amended) The method of claim ~~8~~ 7, wherein ~~the~~ first and second network protocols associated with ~~the terminal~~ a receiver are a transmission control protocol (TCP).

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~~11.~~ (Amended) An apparatus that adapts a protocol to increase a data transmission rate, comprising:

a receiver that receives data segments in accordance with the protocol, the protocol having a receiver window size, ~~a~~ the receiver window size being an indicator of an amount of data the receiver can receive;

a timing device that measures a specified time period;

an error detector that measures an error condition of the received data over the specified time period; and

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a controller that adapts the protocol, by changing ~~including~~ the receiver window size ~~of the receiver~~, based on the error condition of data segments received to increase the data transmission rate.

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~~12.~~ (Amended) The apparatus of claim ~~11~~ 9, further comprising a segment counting device that counts a number of data segments received by the receiver over the specified time period, and wherein the controller adapts the protocol further based on a number of data segments received.

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~~13.~~ (Amended) The apparatus of claim ~~11~~ 9, wherein the protocol is a transmission control protocol (TCP).

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~~14.~~ (Amended) An apparatus that adapts a protocol to increase a data transmission rate, comprising:

a transmitter that transmits data segments of a size in accordance with the protocol, the protocol having a window size, a window size being an indicator of an amount of data a receiver can receive;

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a receiving device that receives information about the protocol including a second window size of the receiver, the second window size being based on an error condition of transmitted data segments;

a controller that changes the size of the data segments transmitted by the transmitter in accordance with the second window size to increase a data transmission rate.

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~~15.~~ (Original) The apparatus of claim ~~14~~ 13, wherein the controller adapts the protocol based further on a number of data segments received by the receiver.

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~~16.~~ (Original) The apparatus of claim ~~14~~ 13, wherein the protocol is a transmission control protocol (TCP).